

(Pub. L. 88-577, § 7, Sept. 3, 1964, 78 Stat. 896.)

CHAPTER 24—CONSERVATION AND PROTECTION OF NORTH PACIFIC FUR SEALS**SUBCHAPTER I—FUR SEAL MANAGEMENT**

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1402, 3125 of this title; title 25 section 3902.

SUBCHAPTER I—FUR SEAL MANAGEMENT**§ 1151. Definitions**

(a) “Commission” means the North Pacific Fur Seal Commission established pursuant to article V of the Convention.

(b) “Convention” means the Interim Convention on the Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, as amended by the protocol signed in Washington on October 8, 1963; by the exchange of notes among the party governments which became effective on September 3, 1969; by the protocol signed in Washington on May 7, 1976; and by the protocol signed in Washington on October 14, 1980, by the parties.

(c) “Cure” or “curing” means the performance of those post-harvest activities traditionally performed on the Pribilof Islands, including cooling, washing, removal of blubber, soaking in brine, draining, treating with salt or boric acid, and packing in containers for shipment of fur seal skins.

(d) “Fur Seal” means the North Pacific Fur Seal, *Callorhinus Ursinus*.

(e) “Import” means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the

jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(f) “Natives of the Pribilof Islands” means any Aleuts who are permanent residents of the Pribilof Islands, or any organization or entity representing such natives.

(g) “North Pacific Ocean” means the waters of the Pacific Ocean north of the thirtieth parallel of north latitude, including the Bering, Okhotsk, and Japan Seas.

(h) “Party” or “parties” means the United States of America, Canada, Japan, and Russia (except that as used in subsection (b) of this section, “party” and “parties” refer to the Union of Soviet Socialist Republics).

(i) “Person” means any individual, partnership, corporation, trust, association or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(j) “Pribilof Islands” means the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock.

(k) “Sealing” means the taking of fur seals.

(l) “Secretary” means the Secretary of Commerce.

(m) “Take” or “taking” means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill.

(Pub. L. 89-702, title I, § 101, Nov. 2, 1966, 80 Stat. 1091; Pub. L. 98-129, § 2, Oct. 14, 1983, 97 Stat. 835; Pub. L. 102-251, title III, § 303, Mar. 9, 1992, 106 Stat. 65; Pub. L. 103-199, title VI, § 602(1), Dec. 17, 1993, 107 Stat. 2327.)

AMENDMENT OF SECTION

Pub. L. 102-251, title III, §§ 303, 308, Mar. 9, 1992, 106 Stat. 65, 66, provided that, effective on the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States, with authority to prescribe implementing regulations effective Mar. 9, 1992, but with no such regulation to be effective until the date on which the Agreement enters into force for the United States, this section is amended by redesignating subsections (f) to (m) as (g) to (n), respectively, and by inserting after subsection (e) the following new subsection:

(f) “Jurisdiction of the United States” includes jurisdiction over the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990; in particular, those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured.

AMENDMENTS

1993—Subsec. (h). Pub. L. 103-199 substituted “Russia (except that as used in subsection (b) of this section,

‘party’ and ‘parties’ refer to the Union of Soviet Socialist Republics)” for “the Union of Soviet Socialist Republics”.

1983—Pub. L. 98-129 amended section generally, substituting provisions defining terms, previously defined in former sections 1159 and 1186 of this title, for provisions enumerating the activities prohibited under this chapter. See section 1152 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-251 effective on date on which Agreement between United States and Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for United States, with authority to prescribe implementing regulations effective Mar. 9, 1992, but with no such regulation to be effective until date on which Agreement enters into force for United States, see section 308 of Pub. L. 102-251, set out as a note under section 773 of this title.

SHORT TITLE OF 1983 AMENDMENT

Section 1 of Pub. L. 98-129 provided: “That this Act [amending this chapter generally, sections 8332 and 8334 of Title 5, Government Organization and Employees, and section 450i of Title 25, Indians] may be cited as the ‘Fur Seal Act Amendments of 1983’.”

SHORT TITLE

Pub. L. 89-702, which is classified principally to this chapter, is popularly known as the “Fur Seal Act of 1966”. Prior to the general amendment of Pub. L. 89-702 by Pub. L. 98-129, section 1 of Pub. L. 89-702 had provided: “That this Act [enacting this chapter, amending section 2254(g) of former Title 5, Executive Departments and Government Officers and Employees, repealing sections 631a to 631q of this title, and amending provisions set out as a note preceding section 21 of Title 48, Territories and Insular Possessions] may be cited as the ‘Fur Seal Act of 1966’.”

§ 1152. Prohibitions

It is unlawful, except as provided in this chapter or by regulation of the Secretary, for any person or vessel subject to the jurisdiction of the United States to engage in the taking of fur seals in the North Pacific Ocean or on lands or waters under the jurisdiction of the United States, or to use any port or harbor or other place under the jurisdiction of the United States for any purpose connected in any way with such taking, or for any person to transport, import, offer for sale, or possess at any port or place or on any vessel, subject to the jurisdiction of the United States, fur seals or the parts thereof, including, but not limited to, raw, dressed, or dyed fur seal skins, taken contrary to the provisions of this chapter or the Convention, or for any person subject to the jurisdiction of the United States to refuse to permit, except within the Exclusive Economic Zone of the United States, a duly authorized official of Canada, Japan, or Russia to board and search any vessel which is outfitted for the harvesting of living marine resources and which is subject to the jurisdiction of the United States to determine whether such vessel is engaged in sealing contrary to the provisions of said Convention.

(Pub. L. 89-702, title I, § 102, Nov. 2, 1966, 80 Stat. 1091; Pub. L. 98-129, § 2, Oct. 14, 1983, 97 Stat. 836; Pub. L. 103-199, title VI, § 602(2), Dec. 17, 1993, 107 Stat. 2327.)

AMENDMENTS

1993—Pub. L. 103-199 substituted “Russia” for “the Union of Soviet Socialist Republics”.

1983—Pub. L. 98-129 amended section generally, substituting provisions enumerating the activities prohibited under this chapter, which were previously contained in section 1151 of this title, for provisions authorizing sealing by Aleuts, Eskimos, and Indians. See section 1153 of this title.

§ 1153. Sealing permitted by Aleuts, Eskimos, and Indians

(a) Indians, Aleuts, and Eskimos who dwell on the coasts of the North Pacific Ocean are permitted to take fur seals and dispose of their skins after the skins have been officially marked and certified by a person authorized by the Secretary: *Provided*, That the seals are taken for subsistence uses as defined in section 1379(f)(2) of this title, and only in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms. This authority shall not apply to Indians, Aleuts, and Eskimos while they are employed by any person for the purpose of taking fur seals or are under contract to deliver the skins to any person.

(b) Indians, Aleuts, and Eskimos who live on the Pribilof Islands are authorized to take fur seals for subsistence purposes as defined in section 1379(f)(2) of this title, under such conditions as recommended by the Commission and accepted by the Secretary of State pursuant to regulations promulgated by the Secretary.

(Pub. L. 89-702, title I, §103, Nov. 2, 1966, 80 Stat. 1091; Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 836.)

AMENDMENTS

1983—Pub. L. 98-129 amended section generally, substituting provisions authorizing sealing by Aleuts, Eskimos, and Indians, which were previously contained in section 1152 of this title, for provisions authorizing scientific research on fur seal resources. See section 1154 of this title.

§ 1154. Scientific research on fur seal resources; use of fur seals for educational, scientific, or exhibition purposes

The Secretary shall (1) conduct such scientific research and investigations on the fur seal resources of the North Pacific Ocean as he deems necessary to carry out the obligations of the United States under the Convention, and (2) permit, subject to such terms and conditions as he deems desirable, the taking, transportation, importation, exportation, or possession of fur seals or their parts for educational, scientific, or exhibition purposes.

(Pub. L. 89-702, title I, §104, Nov. 2, 1966, 80 Stat. 1091; Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 836.)

AMENDMENTS

1983—Pub. L. 98-129 amended section generally, substituting provisions authorizing scientific research on fur seal resources, which were previously contained in section 1153 of this title, for provisions delineating the authority of the Secretary of Commerce. See section 1155 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1175 of this title.

§ 1155. Authority of Secretary of Commerce

(a) Regulations with respect to taking of fur seals on Pribilof Islands and on lands subject to United States jurisdiction

The Secretary shall prescribe such regulations with respect to the taking of fur seals on the Pribilof Islands and on lands subject to the jurisdiction of the United States as he deems necessary and appropriate for the conservation, management, and protection of the fur seal population, and to dispose of any fur seals seized or forfeited pursuant to this chapter, and to carry out the provisions of the Convention, and shall deliver to authorized agents of the parties such fur seal skins as the parties are entitled to under the Convention.

(b) Agreements with public and private entities

The Secretary is authorized to enter into agreements with any public or private agency or person for the purpose of carrying out the provisions of the Convention and of this subchapter, including but not limited to the taking of fur seals on the Pribilof Islands, and the curing and marketing of the sealskins and other seal parts, and may retain the proceeds therefrom.

(c) Taking of fur seals on Saint Paul and Saint George Islands; preference; separate fund in Treasury

The Secretary shall give preference to the village corporations of Saint Paul and Saint George Islands established pursuant to section 1607 of title 43 for the taking of fur seals on the village corporations' respective islands, and the curing and marketing of the sealskins and other seal parts, and may retain the proceeds therefrom. Any proceeds therefrom will be deposited in a separate fund in the Treasury and will be available to the Secretary, subject to appropriations, for the purpose of this section. All seal harvests will be financed, to the extent possible, from proceeds collected in preceding years or unsold assets retained from harvests conducted in preceding years. In the event that such assets and proceeds are insufficient, as determined by the Secretary, to finance the seal harvest in accordance with the requirements of the Convention, there are authorized to be appropriated to the Secretary for fiscal year 1984, and for fiscal year 1985 and beyond if the Convention is extended by protocol signed by the parties and made effective as to the United States, such sums as may be necessary to carry out the harvest and curing on the Pribilof Islands. Such amounts as are determined by the Secretary to exceed amounts required to carry out this section shall be transferred to the General Fund of the Treasury.

(Pub. L. 89-702, title I, §105, Nov. 2, 1966, 80 Stat. 1092; Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 836.)

AMENDMENTS

1983—Pub. L. 98-129 amended section generally, substituting provisions delineating the authority of the Secretary of Commerce, which were previously contained in sections 1154 and 1185 of this title, for provisions which had set out enforcement steps. See section 1156 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1172 of this title.

§ 1156. Enforcement provisions**(a) Search of vessels; certificate of identification; exhibition to master**

Any person authorized to enforce the provisions of this chapter who has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the parties to the Convention is violating the provisions of article III of the Convention may, except within the areas in which another State exercises fisheries jurisdiction, board and search such vessel. Such person shall carry a special certificate of identification issued by the Secretary or Secretary of the department in which the Coast Guard is operating which shall be in English, Japanese, and Russian and which shall be exhibited to the master of the vessel upon request.

(b) Seizure; arrest; notice; delivery of vessel or person to authorized officials; custody

If, after boarding and searching such vessel, such person continues to have reasonable cause to believe that such vessel, or any person on-board, is violating said article, he may seize such vessel or arrest such person, or both. The Secretary of State shall, as soon as practicable, notify the party having jurisdiction over the vessel or person of such seizure or arrest.

The Secretary or the Secretary of the department in which the Coast Guard is operating, upon request of the Secretary of State, shall deliver the seized vessel or arrested person, or both, as promptly as practicable to the authorized officials of said party: *Provided*, That whenever said party cannot immediately accept such delivery, the Secretary or the Secretary of the department in which the Coast Guard is operating may, upon the request of the Secretary of State, keep the vessel or person in custody within the United States.

(c) Testimony of enforcement agents

At the request of said party, the Secretary or the Secretary of the department in which the Coast Guard is operating, shall direct the person authorized to enforce the provisions of this chapter to attend the trial as a witness in any case arising under said article or give testimony by deposition, and shall produce such records and files or copies thereof as may be necessary to establish the offense.

(Pub. L. 89-702, title I, § 106, Nov. 2, 1966, 80 Stat. 1092; Pub. L. 98-129, § 2, Oct. 14, 1983, 97 Stat. 837.)

AMENDMENTS

1983—Pub. L. 98-129 amended section generally, substituting provisions setting out enforcement steps, which were previously contained in section 1155 of this title, for provisions establishing the North Pacific Fur Seal Commission. See section 1157 of this title.

§ 1157. North Pacific Fur Seal Commission; appointment of United States Commissioner, Deputy Commissioner, and Advisors; duties, compensation, and travel expenses

The President shall appoint to the Commission a United States Commissioner who shall serve at the pleasure of the President. The President may appoint one Native from each of the two inhabited Pribilof Islands to serve as

Advisors to the Commissioner and as liaisons between the Commissioner and the Natives of the Pribilof Islands. The President may also appoint other interested parties as Advisors to the Commissioner. Such Advisors shall serve at the pleasure of the President. The President may also appoint a Deputy United States Commissioner who shall serve at the pleasure of the President. The Deputy Commissioner shall be the principal adviser of the Commissioner, and shall perform the duties of the Commissioner in the case of his death, resignation, absence, or illness. The Commissioner, the Deputy Commissioner, and the Advisors shall receive no compensation for their services. The Commissioners may be paid travel¹ expenses and per diem in lieu of subsistence at the rates authorized by section 5703 of title 5 when engaged in the performance of their duties.

(Pub. L. 89-702, title I, § 107, Nov. 2, 1966, 80 Stat. 1093; Pub. L. 98-129, § 2, Oct. 14, 1983, 97 Stat. 838.)

CODIFICATION

“Section 5703 of title 5” substituted in text for “section 5 of the Administrative Expense Act of 1946” on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1983—Pub. L. 98-129 amended section generally, substituting provisions establishing the North Pacific Fur Seal Commission, which were previously contained in section 1156 of this title, for provisions empowering the Secretaries of State and Commerce to accept or reject recommendations made by the Commission. See section 1158 of this title.

ALTERNATE UNITED STATES COMMISSIONERS

Secretary of State authorized to designate Alternate United States Commissioners, see sections 2672a and 2672b of Title 22, Foreign Relations and Intercourse.

§ 1158. Acceptance or rejection by Secretaries of State and Commerce of Commission recommendations

The Secretary of State, with the concurrence of the Secretary, is authorized to accept or reject, on behalf of the United States, recommendations made by the Commission pursuant to article V of the Convention.

(Pub. L. 89-702, title I, § 108, Nov. 2, 1966, 80 Stat. 1093; Pub. L. 98-129, § 2, Oct. 14, 1983, 97 Stat. 838.)

AMENDMENTS

1983—Pub. L. 98-129 amended section generally, substituting provisions empowering the Secretaries of State and Commerce to accept or reject recommendations made by the Commission, which were previously contained in section 1157 of this title, for provisions authorizing Federal agency consultation with and technical assistance to the Secretary of Commerce or the Commission. See section 1159 of this title.

§ 1159. Federal agency consultations with and technical assistance to Secretary of Commerce or Commission; reimbursement for assistance

The head of any Federal agency is authorized to consult with and provide technical assistance

¹ So in original. Probably should be “travel”.

to the Secretary or the Commission whenever such assistance is needed and reasonably can be furnished in carrying out the provisions of this subchapter. Any Federal agency furnishing assistance hereunder may expend its own funds for such purposes, with or without reimbursement.

(Pub. L. 89-702, title I, § 109, Nov. 2, 1966, 80 Stat. 1093; Pub. L. 98-129, § 2, Oct. 14, 1983, 97 Stat. 838.)

AMENDMENTS

1983—Pub. L. 98-129 amended section generally, substituting provisions authorizing Federal agency consultation with and technical assistance to the Secretary or the Commission, which were previously contained in section 1158 of this title, for provisions defining terms. See section 1151 of this title.

SUBCHAPTER II—ADMINISTRATION OF PRIBILOF ISLANDS

§ 1161. Administration of fur seal rookeries and other Federal real and personal property on Pribilof Islands

The Secretary shall administer the fur seal rookeries and other Federal real and personal property on the Pribilof Islands, with the exception of lands purchased by the U.S. Fish and Wildlife Service under section 1417 of the Alaska National Interest Lands Conservation Act (Public Law 96-487) or acquired or purchased by any other authority after October 14, 1983, and, in consultation with the Secretary of the Interior, shall ensure that activities on such Islands are consistent with the purposes of conserving, managing, and protecting the North Pacific fur seals and other wildlife and for other purposes consistent with that primary purpose.

(Pub. L. 89-702, title II, § 201, Nov. 2, 1966, 80 Stat. 1093; Pub. L. 98-129, § 2, Oct. 14, 1983, 97 Stat. 838.)

REFERENCES IN TEXT

Section 1417 of the Alaska National Interest Lands Conservation Act, referred to in text, is Pub. L. 96-487, title XIV, § 1417, Dec. 2, 1980, 94 Stat. 2500, which is not classified to the Code.

AMENDMENTS

1983—Pub. L. 98-129 substituted provisions enumerating the steps to be followed by the Secretary of Commerce in administering the fur seal rookeries and the Federal real and personal property on the Pribilof Islands for provisions which had provided that: "The Pribilof Islands shall continue to be administered as a special reservation by the Secretary of Commerce for the purposes of conserving, managing, and protecting the North Pacific fur seals and other wildlife, and for other purposes."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1166 of this title.

§ 1162. Authority of Secretary to operate, maintain, and repair Government-owned property; necessary facilities, services, and equipment for Federal employees and dependents

In carrying out the provisions of this subchapter, the Secretary is authorized—

(1) to operate, maintain, and repair such Government-owned property, both real and personal, and other facilities held by the Secretary on the Pribilof Islands as may be necessary; and

(2) to provide the employees of the Department of Commerce and other Federal agencies and their dependents, at reasonable rates to be determined by the Secretary, with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, fuel, shelter, and transportation.

(Pub. L. 89-702, title II, § 202, Nov. 2, 1966, 80 Stat. 1093; Pub. L. 98-129, § 2, Oct. 14, 1983, 97 Stat. 838.)

AMENDMENTS

1983—Pub. L. 98-129 substituted provisions authorizing the Secretary to operate, maintain, and repair such Government-owned property, both real and personal, and other facilities held by the Secretary on the Pribilof Islands as may be necessary, and to provide the employees of the Department of Commerce and other Federal agencies and their dependents, at reasonable rates to be determined by the Secretary, with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, fuel, shelter, and transportation, for provisions authorizing the Secretary to enter into contracts or agreements or leases with, or to issue permits to, public or private agencies or persons, including the natives of the Pribilof Islands, in accordance with such terms and conditions as he deemed desirable for the use of any Government-owned real or personal property located on the islands, for the furnishing of accommodations for tourists and other visitors, for educational, recreational, residential, or commercial purposes, for the operation, maintenance, and repair of Government-owned facilities and utilities, for the transportation and storage of food and other supplies, and for such other purposes as the Secretary deemed desirable.

§ 1163. Responsibility of Alaska to meet educational needs of Pribilof Islands citizens

The State of Alaska will be responsible for meeting the educational needs of the citizens of the Pribilof Islands.

(Pub. L. 89-702, title II, § 203, Nov. 2, 1966, 80 Stat. 1093; Pub. L. 98-129, § 2, Oct. 14, 1983, 97 Stat. 838.)

AMENDMENTS

1983—Pub. L. 98-129 substituted provisions directing that the State of Alaska be responsible for meeting the educational needs of the citizens of the Pribilof Islands for provisions which had authorized the Secretary (1) to provide, with or without reimbursement, the natives of the Pribilof Islands with such facilities, services, and equipment as he deemed necessary, including, but not limited to food, fuel, shelter, transportation, and education, (2) to provide the employees of the Department of Commerce and other Federal agencies and their dependents, and tourists and other persons, at reasonable rates to be determined by the Secretary, with such facilities, services, and equipment as he deemed necessary, including, but not limited to, food, fuel, shelter, transportation, and education, (3) to purchase, transport, store, and distribute such supplies and equipment to carry out the provisions of this section as the Secretary deemed necessary, and (4) to purchase, construct, operate, and maintain the facilities necessary to carry out the provisions of this section.

§ 1164. Responsibility of Secretary of Health and Human Services to provide medical and dental care to Pribilof Islands natives

The Secretary of Health and Human Services shall provide medical and dental care to the Natives of the Pribilof Islands with or without reimbursement, as provided by other law. He is authorized to provide such care to Federal em-

ployees and their dependents and tourists and other persons in the Pribilof Islands at reasonable rates to be determined by him. He may purchase, lease, construct, operate, and maintain such facilities, supplies, and equipment as he deems necessary to carry out the provisions of this section; and the costs of such items, including medical and dental care, shall be charged to the budget of the Secretary of Health and Human Services. Nothing in this chapter shall be construed as superseding or limiting the authority and responsibility of the Secretary of Health and Human Services under the Act of August 5, 1954, as amended [42 U.S.C. 2001 et seq.], or any other law with respect to medical and dental care of natives or other persons in the Pribilof Islands.

(Pub. L. 89-702, title II, § 204, Nov. 2, 1966, 80 Stat. 1094; Pub. L. 98-129, § 2, Oct. 14, 1983, 97 Stat. 839.)

REFERENCES IN TEXT

Act of August 5, 1954, as amended, referred to in text, is act Aug. 5, 1954, ch. 658, 68 Stat. 674, as amended, which is classified generally to subchapter I (§2001 et seq.) of chapter 22 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1983—Pub. L. 98-129 substituted provisions formerly set out in section 1165 of this title relating to medical and dental care of the natives of the Pribilof Islands for provisions which had authorized the Secretary to enter into an agreement with the Governor of the State of Alaska pursuant to which the State assumed full responsibility for furnishing education to the natives of the Pribilof Islands and also to enter into agreements with said Governor pursuant to which the State furnished to such natives adequate food, shelter, transportation, and such other facilities, services, and equipment as the Secretary deemed necessary, with the State of Alaska, in assuming such responsibility, to meet the educational needs of the said natives in the same manner as the State met the educational needs of all of its citizens, including the furnishing of necessary facilities therefor.

§ 1165. Disposal of Federal property on Pribilof Islands

(a) Submission to Congress of property transfer document

Any provision of law relating to the transfer and disposal of Federal property to the contrary notwithstanding, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, is authorized to bargain, grant, sell or otherwise convey, on such terms as he deems to be in the best interests of the United States and in furtherance of the purposes of this chapter, any and all right, title, and interest of the United States in and to the property, both real and personal, held by the Secretary on the Pribilof Islands: *Provided*, That such property is specified in a document entitled "Transfer of Property on the Pribilof Islands: Descriptions, Terms and Conditions," which is submitted to the Congress on or before October 31, 1983.

(b) Contents of property transfer document

The property transfer document described in subsection (a) of this section shall include, but need not be limited to—

- (1) a description of each conveyance;
- (2) the terms to be imposed on each conveyance;
- (3) designation of the recipient of each conveyance;
- (4) a statement noting acceptance of each conveyance, including the terms, if any, under which it is accepted; and
- (5) an identification of all Federal property to be retained by the Federal Government on the Pribilof Islands to meet its responsibilities as described in this chapter and under the Convention.

(c) Report to Congress of fair market value of transferred property

Within 60 days of the transfer of real or personal property specified in the document described in subsection (a) of this section, the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate shall be given a report prepared by the Secretary stating the fair market value at the time of the transfer of all real and personal property conveyed.

(d) Memorandum of Understanding

A Memorandum of Understanding shall be entered into by the Secretary, a representative of the local governmental authority on each Island, the trustee or trustees, and the appropriate officer of the State of Alaska setting forth the respective responsibilities of the Federal Government, the Trust, and the State regarding—

- (1) application of Federal retirement benefits, severance pay, and insurance benefits with respect to Natives of the Pribilof Islands;
- (2) funding to be allocated by the State of Alaska for the construction of boat harbors on St. Paul and St. George Islands;
- (3) assumption of the State of Alaska of traditional State responsibilities for facilities and services on such islands in accordance with applicable laws and regulations;
- (4) preservation of wildlife resources within the Secretary's jurisdiction;
- (5) continued activities relating to the implementation of the Convention;
- (6) oversight of the operation of the Trust established by section 1166(a) of this title to further progress toward creation of a stable, diversified, and enduring economy not dependent up commercial fur sealing;
- (7) the cooperation of government agencies, rendered through existing programs, in assisting with an orderly transition from Federal management and the creation of a private enterprise economy on the Pribilof Islands as described in this chapter; and
- (8) such other matters as may be necessary and appropriate for carrying out the purposes of the chapter, including the assumption of responsibilities to ensure an orderly transition from Federal management of the Pribilof Islands.

The Memorandum shall be submitted to Congress on or before October 31, 1983.

(e) Taxation

The grant, sale, transfer or conveyance of any real or personal property pursuant to this sec-

tion shall not be subject to any form of Federal, State or local taxation. The basis for computing gain or loss on subsequent sale or disposition of such real or personal property for purposes of any Federal, State or local tax imposed on, or measured by revenue shall be the fair market value of such real or personal property at the time of receipt.

(f) Agreements with governmental agencies and third parties

In carrying out the purposes of this chapter, the Secretary is authorized to enter into agreements, including but not limited to land exchange agreements with other Departments and Agencies of both the State and Federal Governments, and with third parties, notwithstanding any provision of law relating to the transfer and disposal of Federal property to the contrary; except that the authority of the Secretary of the Interior regarding exchanges involving lands in the National Wildlife Refuge System on October 14, 1983, is not affected by this section.

(g) Report to Congress on status of negotiations

The Secretary shall submit to Congress a report, no later than October 1, 1983, providing information on the status of the negotiations for concluding the documents described in subsections (a) and (d) of this section.

(Pub. L. 89-702, title II, § 205, Nov. 2, 1966, 80 Stat. 1094; Pub. L. 98-129, § 2, Oct. 14, 1983, 97 Stat. 839.)

AMENDMENTS

1983—Pub. L. 98-129 amended section generally, substituting provisions relating to the disposal of Federal property on the Pribilof Islands for provisions relating to the medical and dental care of Pribilof Islands natives. See section 1164 of this title.

ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. Committee on Merchant Marine and Fisheries of House of Representatives treated as referring to Committee on Resources of House of Representatives in case of provisions relating to fisheries, wildlife, international fishing agreements, marine affairs (including coastal zone management) except for measures relating to oil and other pollution of navigable waters, or oceanography by section 1(b)(3) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

PRIBILOF ISLANDS ENVIRONMENTAL CLEANUP

Pub. L. 104-91, § 3, Jan. 6, 1996, 110 Stat. 8, provided that:

“(a) **IN GENERAL.**—The Secretary of Commerce shall, subject to the availability of appropriations provided for the purposes of this section, clean up landfills, wastes, dumps, debris, storage tanks, property, hazardous or unsafe conditions, and contaminants, including petroleum products and their derivatives, left by the National Oceanic and Atmospheric Administration on lands which it and its predecessor agencies abandoned, quitclaimed, or otherwise transferred or are obligated to transfer, to local entities or residents on the Pribilof Islands, Alaska, pursuant to the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), as amended, or other applicable law.

“(b) **OBLIGATIONS OF SECRETARY.**—In carrying out cleanup activities under subsection (a), the Secretary of Commerce shall—

“(1) to the maximum extent practicable, execute agreements with the State of Alaska, and affected local governments, entities, and residents eligible to receive conveyance of lands under the Fur Seal Act of 1966 (16 U.S.C. 1161 et seq.) [16 U.S.C. 1151 et seq.] or other applicable law;

“(2) manage such activities with the minimum possible overhead, delay, and duplication of State and local planning and design work;

“(3) receive approval from the State of Alaska for agreements described in paragraph (1) where such activities are required by State law;

“(4) receive approval from affected local entities or residents before conducting such activities on their property; and

“(5) not seek or require financial contributions by or from local entities or landowners.

“(c) **RESOLUTION OF FEDERAL RESPONSIBILITIES.**—(1) Within 9 months after the date of enactment of this section [Jan. 6, 1996], and after consultation with the Secretary of the Interior, the State of Alaska, and local entities and residents of the Pribilof Islands, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Resources of the House of Representatives, a report proposing necessary actions by the Secretary of Commerce and Congress to resolve all claims with respect to, and permit the final implementation, fulfillment and completion of—

“(A) title II of the Fur Seal Act Amendments of 1983 [probably means Fur Seal Act of 1966] (16 U.S.C. 1161 et seq.);

“(B) the land conveyance entitlements of local entities and residents of the Pribilof Islands under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

“(C) the provisions of this section; and

“(D) any other matters which the Secretary deems appropriate.

“(2) The report required under paragraph (1) shall include the estimated costs of all actions, and shall contain the statements of the Secretary of Commerce, the Secretary of the Interior, any statement submitted by the State of Alaska, and any statements of claims or recommendations submitted by local entities and residents of the Pribilof Islands.

“(d) **USE OF LOCAL ENTITIES.**—Notwithstanding any other law to the contrary, the Secretary of Commerce shall, to the maximum extent practicable, carry out activities under subsection (a) and fulfill other obligations under Federal and State law relating to the Pribilof Islands, through grants or other agreements with local entities and residents of the Pribilof Islands, unless specialized skills are needed for an activity, and the Secretary specifies in writing that such skills are not available through local entities and residents of the Pribilof Islands.

“(e) **DEFINITION.**—For the purposes of this section, the term ‘clean up’ means the planning and execution of remediation actions for lands described in subsection (a) and the redevelopment of landfills to meet statutory requirements.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated not to exceed \$10,000,000 in each of fiscal years 1996, 1997, and 1998 for the purposes of carrying out this section.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1166, 1175 of this title.

§ 1166. Pribilof Islands Trust

(a) Establishment; funding; distributions; investments

(1) In order to promote the development of a stable, self-sufficient enduring and diversified economy not dependent on sealing, the Secretary shall cause to be established a Trust for

the benefit of the Natives of the Pribilof Islands, to be known as the "Pribilof Islands Trust" (hereinafter referred to as the "Trust").

(2) All amounts appropriated to the Secretary under subsection (e) of this section shall be transferred by the Secretary to the Trust within fifteen days after submission of the Trust instrument to Congress in accordance with the requirements of subsection (c) of this section.

(3) Except as provided in subsection (e)(2) of this section, none of the amounts transferred to the Trust pursuant to paragraph (2) shall be distributed by the trustee or trustees for the benefit of the Natives of the Pribilof Islands until 30 days after submission to Congress of the documents described in section 1165(a) and (d) of this title. Such distributions shall be made by the trustee or trustees only after the Secretary has determined that such Trust has been established and will be operated in accordance with a trust instrument, or instruments, approved by the Secretary which further the purposes and policies of this chapter.

(4) Until the termination of the period described in paragraph (3), the trustee or trustees shall invest the amounts transferred pursuant to paragraph (2) in securities with maturities suitable for the needs of the Trust, bearing interest rates at rates determined by the trustee or trustees, taking into consideration average market yields on outstanding marketable obligations of the United States of comparable maturities. The income from such investments shall be credited to, and form a part of the Trust.

(b) Administration of Trust

The Trust shall be administered in accordance with such terms and conditions as are prescribed by the Secretary, and as set forth in the Trust instrument. In establishing such terms and conditions, the Secretary shall consult with the Natives of the Pribilof Islands, and other interested parties concerning the conservation, management and protection of the fur seal population.

(c) Trust instruments

There may be one Trust instrument establishing the Trust described in subsection (a) of this section, or two such instruments, each relating to one of the two portions of the Trust as provided in subsection (d) of this section, which shall address, but need not be limited to, such matters as—

(1) establishing standards and procedures for the disbursement by the trustee or trustees of Trust assets for purposes of fostering in the Pribilof Islands a stable, diversified, and enduring economy not dependent upon sealing after Federal management of the islands is terminated, which procedures may include formal participation of Pribilof Islands Native councils, corporations, or other such entities;

(2) establishing the Secretary as trustor;

(3) establishing the procedure for appointment of the trustee or trustees by the Secretary after consultation with the Natives of the Pribilof Islands;

(4) setting forth the rights, duties, powers and obligations of a trustee who shall act as an independent fiduciary and who shall be a United States citizen having recognized competence in business;

(5) providing for the management and investment of Trust assets, pending distribution, by an investment manager or advisor, who may be the trustee, having recognized competence in such fields;

(6) establishing methods and procedures for providing Congress and the Secretary with the annual reports described in subsection (g) of this section;

(7) establishing Trust purposes in accordance with the purposes described in section 1161 of this title and subsection (a) of this section;

(8) the duties of the trustee or trustees and the standards of care and diligence that shall govern the exercise of trust powers thereunder;

(9) compensation of the trustee or trustees;

(10) the term, termination and final distribution of the Trust estate;

(11) mandating the applicability of the laws of the State of Alaska to the creation and governance of the Trust;

(12) defraying of community expenses; and

(13) payment of necessary administrative and legal expenses.

The Trust instrument or instruments described in this subsection shall be submitted to Congress on or before October 14, 1983.

(d) Separate portions of Trust for independent benefit of community of St. Paul and community of St. George

The Trust shall be divided into two portions pursuant to a formula established by the Secretary after consultation with the natives of both Islands, to be accounted for separately for the independent benefit of the community of St. Paul and the community of St. George.

(e) Authorization of appropriation; interim distributions

(1) There are authorized to be appropriated to the Secretary \$20,000,000 for the purpose of funding the Trust in accordance with the requirements of subsection (a)(2) of this section. In addition, there are authorized to be appropriated to the Secretary \$3,200,000 for fiscal year 1989 and \$1,800,000 for fiscal year 1990 to be used for the purpose of funding the Saint Paul Island Trust, as established pursuant to subsection (a)(1) of this section, and \$3,700,000 for fiscal year 1990 to be used for the purpose of funding the Saint George Trust, as established pursuant to subsection (a)(1) of this section.

(2) Prior to the termination of the period described in subsection (a)(3) of this section, the trustee or trustees may make interim distributions for the benefit of the Natives of the Pribilof Islands, upon approval of the Secretary, of up to five percent of the amounts transferred to the Trust pursuant to subsection (a)(2) of this section if, as determined by the Secretary, such interim distributions are required to carry out the purposes of this chapter.

(3) There is authorized to be appropriated to the Secretary of the Interior \$3,500,000 for distribution to the Trust for the purpose of preserving and maintaining municipal, community, and tribal functions while an economy not dependent on sealing is established.

(f) Interest and proceeds from Trust

The interest on, and the proceeds from the sale or redemption of, any asset or obligation

held in the Trust shall be credited to and form a part of the Trust.

(g) Annual report to Congress

The trustee or trustees shall submit to Congress and to the Secretary an annual report, the first of which is due on April 30, 1984, and subsequent reports on the same date each year thereafter during the life of the Trust, providing information on expenditures made from the Trust and progress towards achieving the purposes set out in subsection (a) of this section. On April 30, 1986, the Secretary shall also submit a report to the Congress detailing all progress toward achieving these purposes since October 14, 1983. For purposes of preparing such report, the Secretary by regulation may require that the trustee and the State of Alaska submit such relevant information to the Secretary as he deems appropriate.

(h) Exemption from taxation

The funds appropriated to the Trust and the earnings and distribution therefrom shall not be subject to any form of Federal, State or local taxation: *Provided*, That this exemption shall not apply to any income from the investment or other use of such distributions.

(Pub. L. 89-702, title II, § 206, Nov. 2, 1966, 80 Stat. 1094; Pub. L. 98-129, § 2, Oct. 14, 1983, 97 Stat. 840; Pub. L. 100-711, § 9, Nov. 23, 1988, 102 Stat. 4772; Pub. L. 101-512, title I, Nov. 5, 1990, 104 Stat. 1931.)

CODIFICATION

In subsec. (g), “October 14, 1983” substituted for “enactment of this Act”, meaning the enactment of Pub. L. 98-129 which amended this section generally.

AMENDMENTS

1990—Subsec. (e)(3). Pub. L. 101-512 added par. (3).

1988—Subsec. (e)(1). Pub. L. 100-711 authorized appropriations for fiscal years 1989 and 1990 to fund the Saint Paul Island Trust, and authorized appropriations for fiscal year 1990 to fund the Saint George Trust.

1983—Pub. L. 98-129 amended section generally, substituting provisions for the creation and functioning of a Pribilof Islands Trust for provisions which authorized the Secretary to set apart land on Saint Paul Island for a townsite and to aid in the development of a municipal government therefor.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1165 of this title.

§ 1167. Leases, permits, agreements, and contracts with public or private agencies or persons

The Secretary is authorized to enter into agreements or contracts or leases with, or to issue permits to, any public or private agency or person for carrying out the provisions of the Convention or this chapter.

(Pub. L. 89-702, title II, § 207, Nov. 2, 1966, 80 Stat. 1095; Pub. L. 98-129, § 2, Oct. 14, 1983, 97 Stat. 842.)

AMENDMENTS

1983—Pub. L. 98-129 amended section generally, substituting provisions authorizing the Secretary to enter into agreements or contracts or leases with, or to issue permits to, any public or private agency or person for carrying out the provisions of the Convention or this chapter for provisions which had set a fine of not more

than \$500 or imprisonment for not more than six months, or both, for violating regulations of the Secretary relating to the use and management of the Pribilof Islands or the protection or conservation of fur seals, wildlife, or other natural resources.

§ 1168. Civil service retirement benefits

(a) Credit for services performed by natives

Service by natives of the Pribilof Islands engaged in the taking and curing of fur seal skins and other activities in connection with the administration of such islands prior to January 1, 1950, as determined by the Secretary based on records available to him, shall be considered for purposes of credit under subchapter III of chapter 83 of title 5 as civilian service performed by an employee, as defined in said subchapter.

(b) Adjustment of annuities

The annuity of any person or the annuity of the survivor of any person who shall have performed service described in subsection (a) of this section, and who, prior to November 2, 1966, died or shall have been retired on annuity payable from the civil service retirement and disability fund, shall, upon application filed by the annuitant within one year after November 2, 1966, be adjusted, effective as of the first day of the month immediately following November 2, 1966, so that the amount of the annuity shall be the same as if such subsection had been in effect at the time of such person's retirement or death.

(c) Nonentitlement to lump-sum benefits

In no case shall credit for the service described in subsection (a) of this section entitle a person to the benefits of section 8342(h) of title 5.

(d) Reimbursement from Operations, Research, and Facilities Account of National Oceanic and Atmospheric Administration in Department of Commerce

Notwithstanding any other provisions of this chapter or any other law, benefits under subchapter III of chapter 83 of title 5 made available by reason of the provisions of this section shall be paid from the civil service retirement and disability fund subject to reimbursement to such fund from the Operations, Research, and Facilities Account of the National Oceanic and Atmospheric Administration in the Department of Commerce, for the purpose of compensating said retirement fund for the cost, as determined by the Director of the Office of Personnel Management during each fiscal year, of benefits provided by this section.

(Pub. L. 89-702, title II, § 208, Nov. 2, 1966, 80 Stat. 1096; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3784; Pub. L. 98-129, § 2, Oct. 14, 1983, 97 Stat. 842.)

CODIFICATION

“Subchapter III of chapter 83 of title 5” substituted for “the Civil Service Retirement Act, as amended” in subsec. (a) and for “the Civil Service Retirement Act” in subsec. (d), and “section 8342(h) of title 5” substituted for “section 11(h) of the Civil Service Retirement Act” in subsec. (c) on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1983—Subsecs. (a) to (c). Pub. L. 98-129 reenacted subsecs. (a) to (c) without change.

Subsec. (d). Pub. L. 98-129 reenacted subsec. (d) without change other than the substitution of "subject to reimbursement to such fund from the Operations, Research, and Facilities Account of the National Oceanic and Atmospheric Administration in the Department of Commerce, for the purpose of compensating said retirement fund for the cost, as determined by the Civil Service Commission during each fiscal year, of benefits provided by this section" for "subject to reimbursement to such fund from the gross receipts of the Pribilof Islands fund, established in section 1187 of this title, for the purpose of compensating said retirement fund for the cost, as determined by the Civil Service Commission during each fiscal year, of benefits provided by this section. This reimbursement to the civil service retirement fund shall be considered a cost of administering the fur seal program".

TRANSFER OF FUNCTIONS

"Director of the Office of Personnel Management" substituted for "Civil Service Commission" in subsec. (d) pursuant to Reorg. Plan No. 2 of 1978, §102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred functions vested by statute in Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1175 of this title.

§ 1169. Regulations

The Secretary is authorized to prescribe such regulations as he deems necessary to carry out the provisions of this subchapter.

(Pub. L. 89-702, title II, §211, as added Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 844.)

§ 1169a. Annuities and survivor annuities; re-computation

(a)(1)¹ An annuity or survivor annuity based on the service of an employee or Member who performed service described in the second paragraph (13)² of subsection (b) or subsection (l)(1)(C) of section 8332 of title 5, as added by subsections (b) and (e), respectively, of section 209 of this Act [Pub. L. 89-702], shall, upon application to the Office of Personnel Management, be recomputed in accordance with the second paragraph (13) of subsection (b) and subsection (l), respectively, of such section 8332, regardless of whether the employee or Member retires before, on, or after October 14, 1983.

(2) Any recomputation of annuity under paragraph (1) of this subsection shall apply with respect to months beginning more than 30 days after the date on which application for such recomputation is received by the Office.

(Pub. L. 89-702, title II, §212, as added Pub. L. 98-369, div. B, title II, §2208(b), July 18, 1984, 98 Stat. 1061.)

REFERENCES IN TEXT

The second paragraph (13) of subsection (b) of section 8332 of title 5, referred to in subsec. (a)(1), relates to service performed by a Native of the Pribilof Islands. That par. (13) was added by subsec. (b) of section 209 of

Pub. L. 89-702 (as added by section 2 of Pub. L. 98-129) and is set out in the Code as the first par. (13) of subsec. (b) of section 8332 of Title 5, Government Organization and Employees.

EFFECTIVE DATE

Section 2208(c) of Pub. L. 98-369 provided that: "The amendments made by this section [enacting this section and amending section 8332 of Title 5, Government Organization and Employees] shall take effect as of October 14, 1983."

SUBCHAPTER III—ENFORCEMENT

§ 1171. Seizure and forfeiture of vessels

(a) Every vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the provision of this chapter, including its tackle, apparel, furniture, appurtenances, cargo, and stores shall be subject to forfeiture; and all fur seals, or parts thereof, taken or retained in violation of this chapter, or the monetary value thereof, shall be forfeited.

(b) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter.

(Pub. L. 89-702, title III, §301, Nov. 2, 1966, 80 Stat. 1096; Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 844.)

AMENDMENTS

1983—Pub. L. 98-129 amended section generally, substituting provisions, which were contained in section 1181 of this title, relating to seizure and forfeiture of vessels for provisions prohibiting the taking of sea otters on the high seas.

§ 1172. Practice and procedure

(a) Joint responsibility; designation by Secretary of State officers and employees as Federal law enforcement agents; non-Federal employees for civil service purposes

Enforcement of the provisions of this chapter is the joint responsibility of the Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating. In addition, the Secretary may designate officers and employees of the States of the United States to enforce the provisions of this chapter which relate to persons or vessels subject to the jurisdiction of the United States. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes; but they shall not be held and considered as employees of the United States for the purpose of any laws administered by the Office of Personnel Management.

(b) Issuance of warrants and other process

The judges of the United States district courts and United States magistrate judges may, with-

¹ So in original. No subsec. (b) has been enacted.

² See References in Text note below.

in their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal district courts, as may be required for enforcement of this chapter and any regulations issued thereunder.

(c) Execution of warrants or other process by enforcement agents

Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this chapter.

(d) Arrests and searches by enforcement agents

Such person so authorized shall have the power—

(1) with or without a warrant or other process, to arrest any person committing in his presence or view a violation of this chapter or the regulations issued thereunder;

(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel subject to the jurisdiction of the United States or any person on-board is in violation of any provision of this chapter or the regulations issued thereunder, to search such vessel and to arrest such person.

(e) Seizure of vessels and related articles

Such person so authorized may seize any vessel subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this chapter or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this chapter or the regulations issued hereunder.

(f) Seizure and disposition of fur seals

Such person so authorized may seize, whenever and wherever lawfully found, all fur seals taken or retained in violation of this chapter or the regulations issued thereunder. Any fur seals so seized or forfeited to the United States pursuant to this chapter shall be disposed of in accordance with the provisions of section 1155 of this title.

(Pub. L. 89-702, title III, §302, Nov. 2, 1966, 80 Stat. 1097; Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 844; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

AMENDMENTS

1983—Pub. L. 98-129 amended section generally, substituting provisions, which were contained in section 1182 of this title, relating to practice and procedure in connection with the enforcement of this chapter for provisions which had authorized the sale by the Secretary of sea otter skins that had been forfeited to or seized by the United States.

CHANGE OF NAME

“United States magistrate judges” substituted for “United States magistrates” in subsec. (b) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

§ 1173. Regulations

The Secretary is authorized to prescribe such regulations as he deems necessary and appropriate to carry out the provisions of this subchapter.

(Pub. L. 89-702, title III, §303, as added Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 845.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1183 of this title, prior to the complete revision of this chapter by Pub. L. 98-129.

§ 1174. Penalties

(a) Any person who knowingly violates any provision of this chapter or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than \$20,000 for such violation, or imprisoned for not more than one year, or both.

(b) Any person who violates any provision of this chapter or any regulation or permit issued hereunder may be assessed a civil penalty by the Secretary of not more than \$10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Hearings held during proceedings for the assessment of civil penalties authorized by this subsection shall be conducted in accordance with section 554 of title 5. The Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Any civil penalty assessed may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty, and such court shall have jurisdiction to hear and decide any such action.

(Pub. L. 89-702, title III, §304, as added Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 845.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1184 of this title, prior to the complete revision of this chapter by Pub. L. 98-129.

§ 1175. Authorization of appropriations

(a) There are authorized to be appropriated to the operations, research, and facilities account

of the National Oceanic and Atmospheric Administration in the Department of Commerce, such sums as may be necessary, up to \$2,000,000, for fiscal year 1984 for the purpose of upgrading Federal property to be transferred pursuant to section 1165 of this title, \$736,000 for fiscal year 1984 for the purposes of sections 1154 and 1168 of this title and such sums as may be necessary for each fiscal year thereafter for the purposes of sections 1154 and 1168 of this title.

(b) The contract authority of the Secretary under this chapter is effective for any fiscal year only to the extent that appropriations are available for such purposes.

(Pub. L. 89-702, title III, § 305, as added Pub. L. 98-129, § 2, Oct. 14, 1983, 97 Stat. 845.)

§§ 1181 to 1187. Omitted

CODIFICATION

Sections were omitted in the general revision of this chapter by Pub. L. 98-129, § 2, Oct. 14, 1983, 97 Stat. 835.

Section 1181, Pub. L. 89-702, title IV, § 401, Nov. 2, 1966, 80 Stat. 1097, related to seizure and forfeiture of vessels. See section 1171 of this title.

Section 1182, Pub. L. 89-702, title IV, § 402, Nov. 2, 1966, 80 Stat. 1097; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; 1978 Reorg. Plan No. 2 of 1978, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3784, set out additional enforcement provisions. See section 1172 of this title.

Section 1183, Pub. L. 89-702, title IV, § 403, Nov. 2, 1966, 80 Stat. 1098; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, authorized the Secretary of Commerce to issue regulations. See section 1173 of this title.

Section 1184, Pub. L. 89-702, title IV, § 404, Nov. 2, 1966, 80 Stat. 1098, set out penalties for violations. See section 1174 of this title.

Section 1185, Pub. L. 89-702, title IV, § 405, Nov. 2, 1966, 80 Stat. 1098; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, related to contracts or agreements for research. See section 1155(b) of this title.

Section 1186, Pub. L. 89-702, title IV, § 406, Nov. 2, 1966, 80 Stat. 1098, defined terms as used in this chapter. See section 1151 of this title.

Section 1187, Pub. L. 89-702, title IV, § 407, Nov. 2, 1966, 80 Stat. 1098, related to creation of a Pribilof Islands fund. See section 1166 of this title.

CHAPTER 25—JELLYFISH OR SEA NETTLES, OTHER SUCH PESTS, AND SEAWEED IN COASTAL WATERS: CONTROL OR ELIMINATION

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| Sec. | |
| 1201. | Declaration of purposes; Secretary's cooperation with and assistance to States. |
| 1202. | Authority of Secretary; studies, research, and investigations; control measures; execution of program; other actions; costs. |
| 1203. | Authorization of appropriations. |
| 1204. | Compacts. |
| 1205. | General authority of Secretary for conducting studies, research, and investigations unaffected. |

§ 1201. Declaration of purposes; Secretary's cooperation with and assistance to States

For the purposes of conserving and protecting the fish and shellfish resources in the coastal waters of the United States and the Commonwealth of Puerto Rico, and promoting and safeguarding water-based recreation for present and future generations in these waters, the Sec-

retary of Commerce is authorized to cooperate with, and provide assistance to, the States in controlling and eliminating jellyfish, commonly referred to as "sea nettles", and other such pests and in conducting research for the purposes of controlling floating seaweed in such waters.

(Pub. L. 89-720, § 1, Nov. 2, 1966, 80 Stat. 1149; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

"Secretary of Commerce" was substituted in text for "Secretary of the Interior" in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish programs of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1202. Authority of Secretary; studies, research, and investigations; control measures; execution of program; other actions; costs

In carrying out the purposes of this chapter, the Secretary, in cooperation with the States and the Commonwealth of Puerto Rico, is authorized (1) to conduct, directly or by contract, such studies, research, and investigations, as he deems desirable, to determine the abundance and distribution of jellyfish and other such pests and their effects on fish and shellfish and water-based recreation, (2) to conduct studies of control measures of such pests and of floating seaweed, (3) to carry out, based on studies made pursuant to this chapter, a program of controlling or eliminating such pests and such seaweed, and (4) to take such other actions as the Secretary deems desirable: *Provided*, That the costs of such actions shall be borne equally by the Federal Government and by the States and the Commonwealth of Puerto Rico, acting jointly or severally.

(Pub. L. 89-720, § 2, Nov. 2, 1966, 80 Stat. 1149.)

§ 1203. Authorization of appropriations

There is authorized to be appropriated not to exceed \$500,000 for the fiscal year ending June 30, 1968, \$750,000 for the fiscal year ending June 30, 1969, \$1,000,000 for the period beginning July 1, 1969, and ending June 30, 1973, and \$400,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, and June 30, 1977.

(Pub. L. 89-720, § 3, Nov. 2, 1966, 80 Stat. 1149; Pub. L. 91-451, Oct. 14, 1970, 84 Stat. 922; Pub. L. 92-604, Oct. 31, 1972, 86 Stat. 1493.)

AMENDMENTS

1972—Pub. L. 92-604 authorized appropriations of \$400,000 for fiscal years ending June 30, 1974, 1975, 1976, and 1977.